

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

A PTY LTD.,

Plaintiff,

v.

EBAY, INC.,

Defendant.

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Civil Action No. 1:15-cv-155-RP

Jury Trial Demanded

**DECLARATION OF JAY D. ELLWANGER IN SUPPORT OF
PLAINTIFF A PTY LTD'S BRIEF IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS**

I, Jay D. Ellwanger, declare:

1. I am an attorney with the law firm DiNovo Price Ellwanger & Hardy LLP (“DPE”), outside counsel for Plaintiff A Pty Ltd (“A Pty”) in the above-captioned matter. I make this declaration in support of A Pty’s Response to Defendant eBay, Inc.’s Motion to Dismiss. I submit this declaration based on personal knowledge and following a reasonable investigation. If called upon as a witness, I could competently testify to the truth of each statement herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of an order setting a scheduling conference in *Preservation Techs. LLC v. NFL Enters. LLC*, C.A. 14-1295-SLR, Dkt. 17 (D. Del. May 27, 2015).

3. Attached hereto as Exhibit 2 is a true and correct copy of a Response to the Parties’ E-Mail Request for Emergency Relief in *Preservation Techs. LLC v. NFL Enters. LLC*, C.A. 14-1295-SLR (D. Del. May 27, 2015).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 15, 2015, at Austin, Texas.

/s/ Jay D. Ellwanger
Jay D. Ellwanger